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July 11, 2023

VIA ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Bruce Hay v. The Gernert Company, Inc., et al., No. 1:22-cv-00698-LGS

Dear Judge Schofield:

Defendants The Gernert Company, Inc. and Sarah Burnes write in connection with Plaintiff Bruce Hay's letter dated July 7, 2023 to the Court (Doc. No. 81). Plaintiff makes a number of material misstatements of the law and facts in his letter, including statements suggesting impropriety on the part of Defendants and Defendants' counsel. Defendants therefore respectfully request leave to file a short two page letter highlighting and correcting these misstatements by July 14, 2023.

Thank you for your consideration.

Respectfully submitted,

/s/ Jeremy A. Chase

Jeremy A. Chase

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Plaintiff's request for leave to file a third amended complaint is **DENIED**. A court "has discretion to deny leave to amend 'where the motion is made after an inordinate delay, no satisfactory explanation is offered for the delay, and the amendment would prejudice' other parties." *Grace v. Rosenstock*, 228 F.3d 40, 53-54 (2d Cir. 2000); *accord United States v. Buff*, No. 19 Civ. 5549, 2023 WL 4447072, at *4 (S.D.N.Y. July 11, 2023). Plaintiff has filed three complaints in this action -- two of them through counsel -- and was aware of the facts underlying the proposed additional claim at the outset of this lawsuit. Plaintiff's request to now further amend the complaint and add Kera Bolonick as a defendant, almost a year and a half after this lawsuit was filed, is untimely and would prejudice Defendants. Plaintiff's suggestion that he "initially refrained from suing Bolonik in this matter because he did not want to do so without clear knowledge, beyond her assertions on social media and claims to people she has been contacting, that her contract with HarperCollins for this book project still exists" is unpersuasive.

Defendants' request to file a sur-reply letter is **denied as moot**. Defendants shall answer or otherwise respond to the second amended complaint by **August 8, 2023**.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff and to close the motion at Dkt. No. 82.

Dated: July 21, 2023
New York, New York